

AMENDED IN SENATE JUNE 1, 2011

SENATE BILL

No. 806

Introduced by Committee on Veterans Affairs (Senators Correa (Chair), Berryhill, Calderon, Cannella, La Malfa, Lieu, Negrete McLeod, and Rubio Rubio, and Runner)

February 18, 2011

~~An act to amend Section 986.2 of the Military and Veterans Code, relating to veterans.~~ *An act to amend Section 19775.2 of the Government Code, relating to state compensation, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 806, as amended, Committee on Veterans Affairs. ~~Veterans' benefits: Veterans' Farm and Home Purchase Act of 1943. State employees: military leave: salary overpayment.~~

Existing law requires the state, when it determines that an overpayment of compensation has been made to an employee, to notify the employee of the overpayment and afford the employee an opportunity to respond before commencing recoupment actions. Existing law requires that administrative action to recover an overpayment from a state employee be initiated within 3 years from the date of overpayment.

Existing law provides that a state employee who is granted a military leave of absence for active duty, whose continuous state service is not broken by a permanent separation, shall be entitled to receive his or her salary for a period not to exceed 30 calendar days in any one fiscal year.

This bill would provide that when the state determines that an overpayment of compensation has been made to a state employee on a leave of absence for active military duty as a member of the California

National Guard, administrative action to recover overpayment be initiated within 6 years from the date of overpayment, notwithstanding existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Veterans' Farm and Home Purchase Act of 1943, administered by the Department of Veterans Affairs, provides veterans with the opportunity to acquire farms and homes. Existing law provides that when a veteran has been authorized by the department to select a farm or home, the veteran shall submit the selection to the department, as provided.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 19775.2 of the Government Code is*
2 *amended to read:*

3 19775.2. (a) Pay under the provisions of Sections 19775 and
4 19775.1, excluding emergency military leave pay provisions, shall
5 not exceed 30 calendar days in any one fiscal year. The beginning
6 date of active duty shall determine the fiscal year in which the pay
7 is accumulated when the period of active duty extends into another
8 fiscal year.

9 (b) *When the state determines that an overpayment of*
10 *compensation has been made to an employee of the state on a leave*
11 *of absence for active military duty as a member of the California*
12 *National Guard, administrative action to recover overpayment*
13 *shall be initiated within six years from the date of overpayment,*
14 *notwithstanding subdivision (d) of Section 19838 or any other law.*

15 *SEC. 2. This act is an urgency statute necessary for the*
16 *immediate preservation of the public peace, health, or safety within*
17 *the meaning of Article IV of the Constitution and shall go into*
18 *immediate effect. The facts constituting the necessity are:*

19 *In order to permit the state to initiate administrative proceedings*
20 *that would otherwise be barred by existing law to recoup excess*
21 *payments of state salaries, it is necessary that this act take effect*
22 *immediately.*

1 ~~SECTION 1. Section 986.2 of the Military and Veterans Code~~
2 ~~is amended to read:~~
3 ~~986.2. When a veteran has been authorized by the department~~
4 ~~to select a farm or home, he or she shall submit his or her selection~~
5 ~~in such form as the department prescribes.~~

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